

M-11-496

RB:MMS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

-against-

COMPLAINT AND AFFIDAVIT IN
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

JOHN AVVENTO,
also known as
"John A,"

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

SAMANTHA BELL, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

In or about 2008, within the Eastern District of New York and elsewhere, the defendant JOHN AVVENTO, also known as "John A," together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery of a narcotics trafficker.

(Title 18, United States Code, Section 1951(a)).

The source of your deponent's information and the grounds for her belief are as follows:

1. I have been a Special Agent with the FBI for approximately five years and am currently assigned to a squad

that investigates public corruption. During my tenure with the FBI, I have participated in public corruption investigations. During the course of those investigations, I have conducted physical surveillance, monitored undercover operations, debriefed cooperating witnesses and confidential informants, monitored wiretaps and interviewed civilian witnesses.

2. Because this affidavit is being submitted for the purpose of establishing probable cause to arrest, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. The information set forth below is based upon my experience and training as an FBI Special Agent, my review of documents and other evidentiary items, debriefing of cooperating witnesses, and my discussions with other law enforcement agents. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part only.

3. The FBI and the New York City Police Department ("NYPD") have been investigating a group of individuals in Brooklyn, New York, who, among other things, were involved in a narcotics distribution operation in which they arranged for the near-daily delivery of cocaine to customers who resided in southwestern Brooklyn (the "Cocaine Delivery Service").

4. During the course of the investigation, agents from the FBI and the NYPD received information about the Cocaine Delivery Service from three cooperating witnesses ("CW-1",¹ "CW-2"² and "CW-3"³), whose information has proven to be reliable.

5. CW-1 advised that s/he was the leader of the Cocaine Delivery Service and that JOHN AVVENTO was a former NYPD officer and a regular customer. According to CW-1, AVVENTO also worked for the Cocaine Delivery Service by, among other things, accompanying drug runners when they delivered cocaine to prevent them from being arrested by the police. CW-1 also advised that sometime in 2008, s/he discussed committing a home invasion

^{1/} CW-1 was arrested and charged with conspiracy to distribute cocaine in violation of 18 U.S.C. § 846. S/he is cooperating with the government in the hope of obtaining a cooperation agreement and receiving leniency at sentencing. CW-1's information has been corroborated by other sources of information, including but not limited to surveillance, confidential sources and NYPD files.

^{2/} CW-2 entered into a cooperation agreement with the government pursuant to which s/he pleaded guilty, in part, to conspiracy to distribute cocaine in violation of 18 U.S.C. § 846. CW-2 is cooperating with the government in the hope of obtaining leniency at sentencing. CW-2's information has been corroborated by other sources of information, including but not limited to surveillance, confidential sources and NYPD files. The CW has a significant criminal history, which includes home-invasion robberies, and is currently serving a state prison sentence.

^{3/} CW-3 entered into a cooperation agreement with the government pursuant to which s/he pleaded guilty to conspiracy to distribute cocaine in violation of 18 U.S.C. § 846. CW-3 is cooperating with the government in the hope of obtaining leniency at sentencing. CW-3's information has been corroborated by other sources of information, including but not limited to surveillance, confidential sources and NYPD files.

robbery of a drug dealer with AVVENTO. According to CW-1, AVVENTO provided police paraphernalia to CW-1 and CW-2, including two NYPD jackets and one holster to be used during the robbery. In exchange for the police paraphernalia, CW-1 gave AVVENTO, cocaine, Vicodin, and cash.

6. CW-2 advised that he worked for the Cocaine Delivery Service from June 2006 to December 2008. According to CW-2, "John A" was a retired NYPD officer and a regular customer of the Cocaine Delivery Service. Law enforcement agents showed CW-2 a photo array in which CW-2 identified the defendant JOHN AVVENTO as the individual whom CW-2 knew to be "John A."

7. CW-2 advised that AVVENTO occasionally accompanied Cocaine Delivery Service drug runners when they made their deliveries. CW-2 also advised that s/he discussed committing a home invasion robbery of a drug dealer with AVVENTO and asked whether AVVENTO wanted to participate. AVVENTO initially agreed to participate but later declined to do so. However, CW-2 advised that in April 2008, AVVENTO provided CW-2 and CW-1 with NYPD paraphernalia, including two NYPD windbreakers and one holster for a glock, which he understood were to be used during the robbery.

8. CW-2 was arrested in December 2008 for committing the home invasion robbery he had discussed with AVVENTO. At the

time of his arrest, CW-2 was wearing the NYPD jacket and holster that AVVENTO had given CW-2.

9. CW-3 advised that s/he worked for CW-1 in April and May 2008 and delivered cocaine to "John A," a retired NYPD officer. According to CW-3, on at least three occasions, "John A" accompanied CW-3 and another individual during their drug deliveries to ensure that they would not be arrested if their car was stopped by the police. CW-3 also witnessed "John A" drop off a bag containing NYPD paraphernalia to CW-2's apartment in exchange for cocaine.

WHEREFORE, your deponent respectfully requests that the defendant be dealt with according to law.

S. Bell

SAMANTHA BELL
Special Agent
Federal Bureau of Investigation

Sworn to before me this
11 day of May 2011

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

*Govt's oral sealys
application granted.
DGLV*

*So Ordered
K. J. [Signature]
USDC
5/11/11*